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Notice of Allowability	Application No.	Applicant(s)	
	10/052,156	KOHLER ET AL.	
	Examiner	Art Unit	
	(Jackie) Tan-Uyen T. Ho	3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/22/04.
2. ☒ The allowed claim(s) is/are 1-5, 11-20, 24 and 25.
3. ☒ The drawings filed on 16 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>herewith</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Response to Arguments

1. Applicant's arguments filed 12/22/04 have been fully considered and are persuasive. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. After a further consideration, the claims are amended as follow to place the application in condition for allowance.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Michael Kim on 2/24/05 and 3/22/05.

The application has been amended as follows:

Amend claim 1, 15 and 25 as follow:

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Claim 1. (Currently Amended) A vascular implant comprising:

(a) a scaffold defining an interior volume, a first end, and an opposite second end; said scaffold having an exterior surface and an interior surface, said scaffold interior surface defining a lumen, said lumen including a longitudinal axis, said longitudinal axis including a bend between said first end and said second end;

(i) said interior surface lining said interior volume; and

(b) a tubing in covering relation to said scaffold;

(i) said scaffold interior surface being completely covered by said tubing from said first end to said second end;

~~(A) said scaffold interior surface and said tubing defining a lumen;~~

and

(ii) said scaffold exterior surface being completely covered by said tubing from said first end to said second end,

wherein said tubing includes a portion in extension away from and/or remote from said scaffold,

wherein said tubing is folded over one of said first and second ends of the scaffold.

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Claim 15. (Currently Amended) A method of making a vascular implant; the method comprising:

(a) providing a tubing having first and second ends;

(b) providing a scaffold having an exterior surface; an interior surface; an interior volume; a scaffold first end; and an opposite scaffold second end, said scaffold interior surface defining a lumen, said lumen including a longitudinal axis, said longitudinal axis including a bend between said scaffold first end and said scaffold second end;

(c) completely covering the scaffold interior surface from the scaffold first end to the scaffold second end with the tubing; and

~~(i) the scaffold interior surface and the tubing defining a lumen;~~

(d) completely covering the scaffold exterior surface from the scaffold first end to the scaffold second end with the tubing;

wherein the vascular implant includes a portion of the tubing in extension away from and/or remote from said scaffold,

wherein said tubing is folded over one of said first and second ends of the scaffold.

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Claim 25. (Currently Amended) A method for performing a coronary vessel bypass procedure for supplementing a flow of blood to a coronary vessel; the method comprising:

(a) forming a blood flow path from a heart chamber directly to the coronary vessel at a site in the vessel positioned between an obstruction in the vessel and tissue of the heart to be supplied with blood by the vessel;

(i) the step of forming including placing a conduit in a heart wall between the chamber and the vessel with a first end of the conduit protruding into the chamber and protruding beyond an interior surface of the heart wall; the conduit having a second end;

(A) the conduit including a tubing completely lining an interior surface of the conduit between the first and second ends, and completely lining an exterior surface of the conduit between the first and second ends, said interior surface of the conduit defining a lumen, said lumen including a longitudinal axis, said longitudinal axis including a bend between said first end and said second end,

wherein said tubing includes a portion in extension away from and/or remote from said conduit,

wherein said tubing is folded over one of said first and second ends of the conduit.

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3. The following is an examiner's statement of reasons for allowance: Claims 1-5, 11-20, 24 and 25 are allowed. The prior art fails to disclose or suggest a vascular implant comprising in combination with other limitation of the claims: a scaffold/conduit having an interior surface defining a lumen, the lumen including a longitudinal axis, said longitudinal axis including a bend between a first and a second end of the scaffold/conduit; the scaffold/conduit being completely covered by a tubing, wherein the tubing is folded over one of the ends of the scaffold/conduit and the tubing includes a portion in extension away from and/or remote from the scaffold/conduit.

Lentz (5,522,881) discloses an implant having a scaffold being completely covered by a tube. However, Lentz fails to disclose the scaffold including a lumen having a longitudinal including a bend between the ends of the scaffold.

Tweden et al. (6,406,488; 5,984,956) disclose an implant having a bent scaffold but fail to disclose or suggest the scaffold being completely covered by a lining or tubing. Tweden et al. teach away from using a lining/tube to cover the scaffold completely. Tweden et al. suggest a portion of the exterior surface of the scaffold being uncovered for tissue ingrowths.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Jackie) Tan-Uyen T. Ho whose telephone number is 571-272-4696. The examiner can normally be reached on MULTIFLEX Mon. to Sat..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANHTUAN NGUYEN can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



(Jackie) Tan-Uyen T. Ho
Patent Examiner
Art Unit 3731

March 23, 2005